

**UNITED STATES DISTRICT COURT**  
for the  
District of New Mexico

**FILED**  
United States District Court  
Albuquerque, New Mexico  
Mitchell R. Elfers  
Clerk of Court

United States of America  
v.

Diego Michael Sena

Case No. **23 MJ 1124**

\_\_\_\_\_  
*Defendant(s)*

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 10, 2023 in the county of Bernalillo in the  
\_\_\_\_\_  
District of New Mexico, the defendant(s) violated:

*Code Section*

*Offense Description*

21 U.S.C. § 841(a)(1) and (b)(1)(A)  
21 U.S.C. § 841(a)(1) and (b)(1)(B)

Possession with intent to distribute of fentanyl  
Possession with intent to distribute of heroin

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Dean King

*Complainant's signature*

*Dean King*  
*Printed name and title*

**Electronically submitted and telephonically sworn before me.**

Date: 07/11/2023

City and state: Albuquerque, New Mexico

*Karen B. Molzen*  
*Judge's signature*

Karen B. Molzen United States Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

**INTRODUCTION AND PURPOSE OF THE AFFIDAVIT**

1. I, Dean King, Special Agent (SA) of Homeland Security Investigations (HSI), being first duly sworn, make this affidavit in support of a criminal complaint to arrest Micheal Diego SENA, also known as “Gustavo”.
2. This affidavit is based on information obtained from law enforcements officers with HSI and the New Mexico State Police (NMSP), as well as my first-hand knowledge. This affidavit does not set forth all of my knowledge or summarize all of the investigative efforts in this investigation. This affidavit is in support of a criminal complaint and arrest charging SENA with a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), that being possession with intent to distribute 400 grams and more of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]1 propenamide), and a violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B), that being possession with intent to distribute a mixture and substance containing heroin.

**AFFIANT’S RELEVANT TRAINING AND EXPERIENCE**

3. I am a Special Agent (SA) with the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), HSI, and have been employed as such since October 2022. I am currently assigned to the Albuquerque, New Mexico Deputy Special Agent in Charge (DSAC) field office. I successfully completed eleven weeks of Criminal Investigator Training (CITP), and the Immigration and Customs Enforcement Special Agent Training (ICE-SAT) at the Federal Law Enforcement Training Center (FLETC) in Brunswick, Georgia. I have been a federal law enforcement officer with U.S. Homeland Security for over 19 years prior to my appointment as a Special Agent where I enforced federal immigration laws, located, and apprehended fugitives. I also conducted immigration violation investigations and worked with other federal and local law enforcement entities.

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

4. As a HSI Special Agent, I am authorized and presently assigned to investigate violations of Title 21, United States Code, Section 841 and other violations of federal law concerning customs and immigration violations. I have also acquired knowledge and information about such offenses, and the various means and methods by which they are furthered from numerous sources, including formal and informal training from other law enforcement officers, investigators, and Special Agents, interviews of informants and arrestees, and interviews of other knowledgeable individuals.

**STATEMENT OF PROBABLE CAUSE**

5. On July 10, 2023, while conducting routine traffic enforcement, New Mexico State Police (NMSP) Officer J. Rodriguez, a Task Force Officer (TFO) with HSI Albuquerque, observed a silver Subaru Legacy displaying a demo tag "23D014827" traveling eastbound on Interstate 40, mile post 135, speeding. According to Officer J. Rodriguez the vehicle was traveling at 92 miles per hour in a 75 mile per hour zone.
6. Due to intermittent internet connection and poor radio reception with NMSP dispatch in the area of the traffic infraction, Officer Rodriguez initiated traffic stop at the mile marker 139 where he was able to obtain internet connection and radio communication with NMSP dispatch.
7. Upon approach of the vehicle, Officer Rodriguez could detect the smell of marijuana emanating from the passenger window of the vehicle. The driver of the vehicle was identified as Diego SENA (SENA), and the passenger of the vehicle was identified as Dolores Sena. Officer Rodriguez spoke with SENA and learned that he was coming from a two day stay in Gallup, New Mexico, headed to Rio Rancho, New Mexico. Officer Rodriguez spoke with Dolores Sena and learned that they were on vacation for two weeks in Phoenix, Arizona, and

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

were on their way to Rio Rancho, New Mexico.

8. Officer Rodriguez conducted a probable cause search of the vehicle due the odor of marijuana and the inconsistent travel plans. Upon search of vehicle Officer Rodriguez located two black Glock pistols and a clear extended magazine found in a blue backpack in the trunk. Also found in the trunk was a red duffel bag containing clear plastic bags with blue circular pills marked "M-30". Twenty-four of the bags were marked "5,000", the four remaining bags were twice as large with no markings. A large cylinder-shaped package wrapped in plastic was found also in the red duffel bag. The subjects were detained and transported the Albuquerque HSI office for processing.
9. At the HSI Albuquerque office, SA T. Martinez tested and weighed the blue circular pills marked "M-30." The blue pills weighed 17.6 kg and presumptively tested positive for fentanyl. SA T. Martinez tested the large cylinder-shaped package wrapped in plastic. The large cylinder-shape packaged weighed .98 kg and it tested positive for the heroin. SA T. Martinez located a jar containing marijuana weighing approximately .28 kilograms. The jar of marijuana was located in a blue suitcase that was also found in the trunk.
10. According to SENA, he traveled to Glendale, Arizona, where he picked up 160,000 fentanyl pills and one kilogram of heroin. While traveling back to New Mexico he was subsequently stopped for speeding. SENA stated he was driving 85mph. SENA stated the marijuana was in the trunk of the car. SENA stated he purchased the firearms in Glendale, AZ. SENA stated the narcotics were going to be distributed to multiple people in Santa Fe, NM. SENA stated that this was his third trip to Arizona to pick up narcotics and was paid \$20,000.00 to transport the fentanyl pills.

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

**CONCLUSION**

12. Based on all the above information, there is probable cause to charge Micheal Diego SENA with a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), that being possession with intent to distribute 400 grams and more of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]1 propenamide), and a violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B), that being possession with intent to distribute a mixture and substance containing heroin.
13. Assistant United States Attorney Joseph Spindle has approved this criminal complaint.

Respectfully submitted,



Dean King  
HSI Special Agent

ELETRONICALLY SUBSCRIBED AND TELEPHONICALLY SWORN ON JULY 11, 2023.



HONORABLE KAREN B. MOLZEN  
UNITED STATES MAGISTRATE JUDGE  
DISTRICT OF NEW MEXICO